

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/549330

In re application of

Gary N. Mills, Philip D. Benz,  
and Herbert J. Semler

Confirmation No.

Application No.

Filed:

For: **METHODS OF AND APPARATUS  
FOR DETERMINING FLUID  
VOLUME PRESENCE IN  
MAMMALIAN TISSUE**

Group Art Unit:

Examiner:

Date: September 12, 2005

INFORMATION DISCLOSURE STATEMENT

TO THE COMMISSIONER FOR PATENTS:

1. Pursuant to their duty of disclosure, applicants present for the Examiner's consideration documents listed on the accompanying Form PTO-1449 (or equivalent).
  - ☒ Copies of listed U.S. patents and U.S. patent application publications are not required for submission. (37 C.F.R. § 1.98(a)(2)(ii))
  - ☐ Copies of listed foreign patent documents and/or non-patent literature are enclosed. (37 C.F.R. § 1.98(a)(2))
  - ☐ Copies of the documents listed at (sheet/cite no.) \_\_\_\_\_ of the attached Form PTO-1449 (or equivalent) are omitted because (1) they are already of record in U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, on which this application relies for an earlier filing date under 35 U.S.C. § 120; and (2) any information disclosure statement filed in the prosecution of Application No. \_\_\_\_\_, complies with 37 CFR §§ 1.98(a) through (c). (37 C.F.R. § 1.98(d))
  - ☐ A copy of copending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, for \_\_\_\_\_, listed at (sheet/cite no.) \_\_\_\_\_ of the attached Form PTO-1449 (or equivalent), ☐ is enclosed / ☐ is omitted. (Copy not required if available via IFW. 1287 OG 163 (Oct. 19, 2004).)
2. This information disclosure statement is being submitted (check box a., b., or c.):
  - a. ☒ Within three months of the filing date of a national application or entry of the national stage in an international application; or before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued

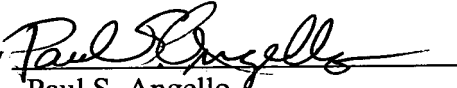
JC05 Rec'd PCT/PTO 12 SEP 2005

examination under 37 CFR 1.114. (No statement under 37 CFR 1.97(e) is required.); or

- b. ☐ After the period set forth in paragraph 2a, but before the mailing date of either a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. (Check box i. or ii.)
- i. ☐ A \$180.00 information disclosure statement submission fee set forth in 37 CFR 1.17(p) is enclosed, or
- ii. ☐ A statement specified by 37 CFR 1.97(e) is set forth below; or
- c. ☐ After the mailing date of a final action or notice of allowance and on or before payment of the issue fee. A statement specified by 37 CFR 1.97(e) is set forth below. Enclosed is a \$180.00 information disclosure statement processing fee set forth in 37 CFR 1.17(p).
3. If a statement specified by 37 CFR 1.97(e) is required, the attorney or agent signing below hereby states that:
- ☐ each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.
4. ☐ A concise explanation of the relevance of each document not in the English language and/or selected documents in the English language is set forth below.

Respectfully submitted,

**Gary N. Mills, Philip D. Benz,  
and Herbert J. Semler**

By   
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Attorney Docket No. 31030/3:2

FORM PTO-1449  
(REV. 7-80)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.  
31030/3:2

APPLICATION NO.

10/549330

APPLICANTS: Gary N. Mills, Philip D. Benz, and  
Herbert J. Semler

FILING DATE

GROUP

INFORMATION DISCLOSURE CITATION  
(Uses several sheets if necessary)

U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER |   |   |   |   |   |   | DATE     | NAME          | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|----|--------------------|---|---|---|---|---|---|----------|---------------|-------|----------|-------------------------------|
|                     | AA | 6                  | 4 | 7 | 3 | 6 | 4 | 0 | 10/29/02 | Erlebacher    | 600   | 547      |                               |
|                     | AB | 6                  | 4 | 2 | 1 | 5 | 5 | 9 | 07/16/02 | Pearlman      | 600   | 547      |                               |
|                     | AC | 6                  | 1 | 2 | 2 | 5 | 4 | 4 | 09/19/00 | Organ         | 600   | 547      |                               |
|                     | AD | 6                  | 0 | 5 | 5 | 4 | 5 | 2 | 04/25/00 | Pearlman      | 600   | 547      |                               |
|                     | AE | 6                  | 0 | 1 | 0 | 4 | 5 | 4 | 01/04/00 | Arieff et al. | 600   | 309      |                               |
|                     | AF | 5                  | 7 | 8 | 8 | 6 | 4 | 3 | 08/04/98 | Feldman       | 600   | 506      |                               |
|                     | AG | 5                  | 7 | 4 | 6 | 2 | 1 | 4 | 05/05/98 | Brown et al.  | 128   | 693      |                               |
|                     | AH | 5                  | 5 | 8 | 4 | 2 | 9 | 8 | 12/17/96 | Kabal         | 128   | 672      |                               |
|                     | AI | 5                  | 5 | 5 | 1 | 4 | 3 | 5 | 09/03/96 | Sramek        | 128   | 668      |                               |
|                     | AJ | 5                  | 5 | 2 | 9 | 0 | 7 | 2 | 06/25/96 | Sramek        | 128   | 693      |                               |
|                     | AK | 5                  | 5 | 0 | 3 | 1 | 5 | 7 | 04/02/96 | Sramek        | 128   | 693      |                               |
|                     | AL | 5                  | 2 | 8 | 0 | 4 | 2 | 9 | 01/18/94 | Withers       | 364   | 413.15   |                               |
|                     | AM | 5                  | 2 | 3 | 1 | 9 | 9 | 0 | 08/03/93 | Gauglitz      | 128   | 697      |                               |
|                     | AN | 5                  | 0 | 8 | 6 | 7 | 8 | 1 | 02/11/92 | Bookspan      | 128   | 734      |                               |

FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER |  |  |  |  |  |  | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|---------------------|----|--------------------|--|--|--|--|--|--|------|---------|-------|----------|-------------|----|
|                     |    |                    |  |  |  |  |  |  |      |         |       |          | YES         | NO |
|                     | AO |                    |  |  |  |  |  |  |      |         |       |          |             |    |
|                     | AP |                    |  |  |  |  |  |  |      |         |       |          |             |    |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

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|--|----|--|
|  | AR |  |
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|  | AT |  |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.